

1. I am the President of NeoSurg Technologies, Inc. ("NeoSurg"), and I and am one of the inventors in the above-identified application. I have personal knowledge of the facts set forth in this Declaration, and all statements made in this Declaration of my own knowledge are true and any statements made on information and belief are believed to be true.
2. Attached as Exhibit "A" to this Declaration is a computer-generated drawing of a trocar seal 10 which was provided by NeoSurg prior to the filing of the above-identified application. The trocar seal 10 shown in Exhibit "A" has a larger portion designated 11 which is formed for mating engagement with the access port at the proximal end of a trocar. Portion 11 includes a central hole 12 in the seal through which a surgical instrument may pass. This central hole has a

diameter of 4.75 millimeters and is for utilization with surgical instruments having diameters between 10 millimeters and 12 millimeters.

3. The seal shown in Exhibit "A" also has a plug end 20 which has a bore 21 through the plug. The diameter of the bore 21 is 5 millimeters. When surgical instruments having diameters between 5 millimeters and 7 millimeters are used, plug end 20 is inserted into the hole 12 in portion 11 of the seal 10.

EXECUTED at Houston, Texas this 15 day of June, 2004.



PETER T. O'HEERON



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**DECLARATION FOR UTILITY OR
DESIGN
PATENT APPLICATION
(37 CFR 1.63)**

☐ Declaration Submitted With Initial Filing
OR
☒ Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16 (e)) required)

Attorney Docket Number 122182.0024.000

First Named Inventor Peter T. O'Heeron

COMPLETE IF KNOWN

Application Number 10/800,783

Filing Date March 15, 2004

Group Art Unit UNKNOWN

Examiner Name UNKNOWN

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original and first inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

TROCAR SEAL

the specification of which (Title of the Invention)

☐ is attached hereto

OR

☒ was filed on (MM/DD/YYYY) March 15, 2004 as United States Application Number or PCT International

Application Number 10/800,783 and was amended on (MM/DD/YYYY) (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims as amended specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY) Country	Priority Not Claimed	Certified Copy Attached?	
				YES	NO
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto:

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 21 minutes to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



DECLARATION — Utility or Design Patent Application

Direct all correspondence to:		<input type="checkbox"/> Customer Number or Bar Code Label	30544	OR	<input checked="" type="checkbox"/> Correspondence address below
CLARENCE E. ERIKSEN					
Name					
112 E. Pecan Street, Suite 2100					
Address					
San Antonio		TX		78205	
City		State		ZIP	
US		713/752-4200		713/752-4221	
Country		Telephone		Fax	
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.					
NAME OF SOLE OR FIRST INVENTOR:		<input type="checkbox"/> A petition has been filed for this unsigned inventor			
Given Name (first and middle (if any))		Peter T.		Family Name or Surname	
O'Heeron					
Inventor's Signature		<i>Peter T.</i>		Date	
JUNE 15, 2004					
Houston		Texas		USA	
Residence: City		State		Country	
US		Citizenship			
17300 El Camino Real, Suite 100					
Mailing Address					
Houston		Texas		77058	
City		State		Zip	
USA		Country			
NAME OF SECOND INVENTOR:		<input type="checkbox"/> A petition has been filed for this unsigned inventor			
Given Name (first and middle (if any))		Ivan W.		Family Name or Surname	
Byford					
Inventor's Signature		<i>Ivan W. Byford</i>		Date	
6-16-04					
Houston		Texas		USA	
Residence: City		State		Country	
US		Citizenship			
17300 El Camino Real, Suite 100					
Mailing Address					
Houston		Texas		77058	
City		State		Zip	
USA		Country			
<input type="checkbox"/> Additional inventors are being named on the _____ supplemental Additional Inventor(s) sheet(s) PTO/SB/02A attached hereto.					



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Peter T. O'Heeron, et al

Serial No.: 10/800,783

Filed: March 15, 2004

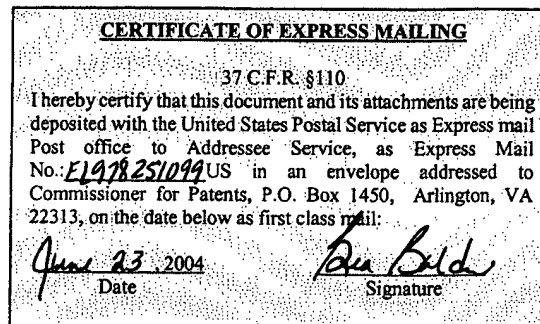
For: TROCAR SEAL

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Attorney Docket No.122182.0024.000

Group Art Unit: UNKNOWN

Examiner: UNKNOWN



DECLARATION OF PETER T. O'HEERON

Peter T. O'Heeron, being warned that willful false statements and the like so made are punishable by fine or imprisonment or both pursuant to 18 U.S.C. § 1001 and that any such statements may jeopardize the validity of the above-identified application or any patent issuing thereon, declares as follows:

1. I am the President of NeoSurg Technologies, Inc. ("NeoSurg"), and I and am one of the inventors in the above-identified application. I have personal knowledge of the facts set forth in this Declaration, and all statements made in this Declaration of my own knowledge are true and any statements made on information and belief are believed to be true.

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EXECUTED at Houston, Texas this 15 day of June, 2004.



PETER T. O'HEERON

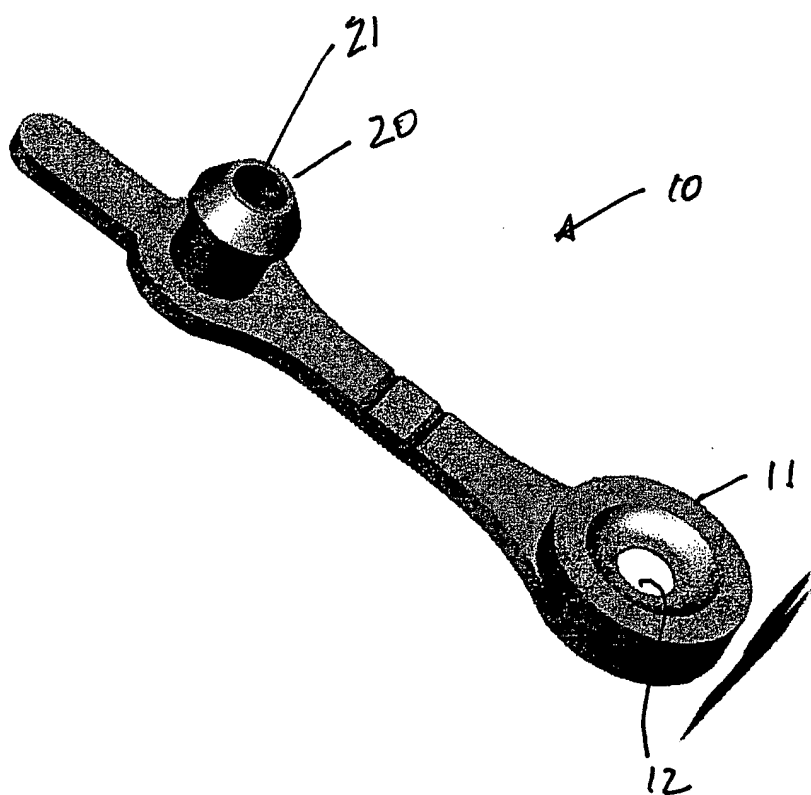


EXHIBIT A

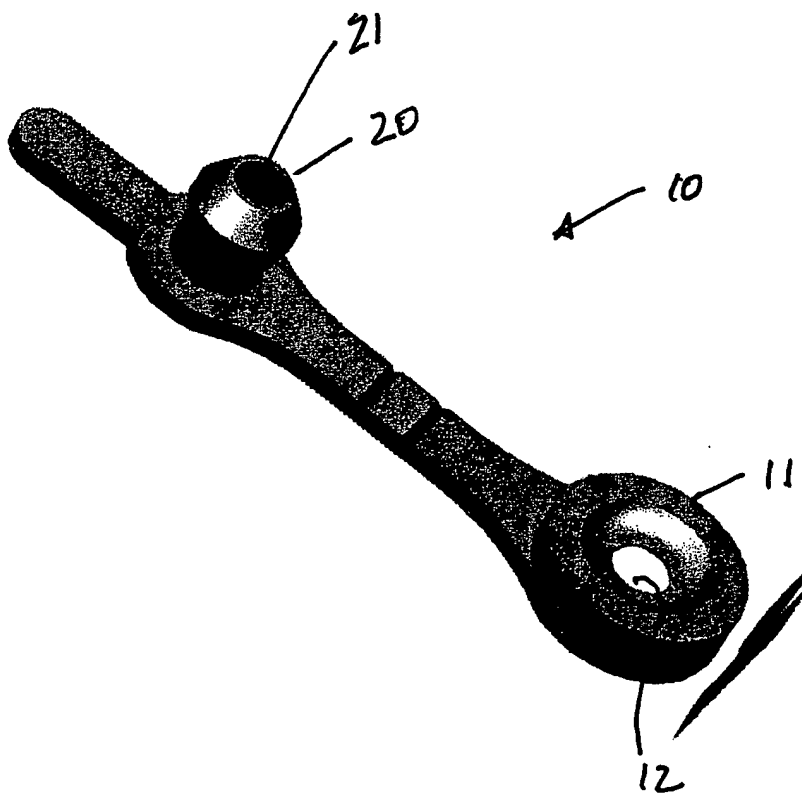


EXHIBIT A